

Remarks

Claims 39-44 are pending. All claims stand rejected. Applicant traverses all rejections, and requests reconsideration of all objections and rejections in the light of the following amendments and remarks.

Priority

The examiner has, to a certain extent, misunderstood the history of the present application due to the inartfull manner in which the applicant drafted this history on line 1 of the present application. A correct recitation of the history is submitted on a separate sheet, and the examiner is respectfully requested to make this statement of record.

Applicant notes that the parental patents provide materials and methods that are used in the present application.

New Matter Rejections Under 35 USC 112 (first)

The examiner asserts that she cannot find in the specification language supporting the use of the word "protecting" in claim 1, but does find support for the alternate word "treating" [0034], and helpfully suggests that applicant amend claim 1 accordingly. This has been done.

The examiner is also referred to [018] (Summary of the Invention) and to [024] for additional references to the endometriosis treatment invention.

New Matter Rejection Under 35 USC 112 (first)

The examiner rejects claim 42, stating that the precise amounts of the inventive composition components are not found in the specification. The examiner is respectfully reminded that, under the law, initial claim disclosures may be used to support later amendments of such claims. Nevertheless, applicant has chosen to amend claim 42 to conform to present [037] and file histories.

Claim Rejection Under 35 USC 112 (2d)

As the examiner clearly recognized by her sua sponte changes in the claim numbering, there was originally a clerical error in claim numbering. It is obvious that the last claim (claim 43) is referring to the composition of claim 42. Claim amendments have clarified this.

Claim Rejections Under 35 USC 103(a)

The examiner has rejected claims 39-41 as being obvious under 35 USC 103(a) over Lindsberg et al. (US 2006/0210551, filed 02/06/2006).

The examiner is respectfully reminded that, under the Patent Statutes and Rules and the MPEP, the Lindsberg disclosure did not become prior art under 103(a) until its date of publication, not date of filing. Thus, it did not become prior art until 09/21/2006. Applicant's patent application was filed 03/30/04, well before the Lindsberg publication date. The Lindsberg filing date is immaterial under these circumstances.

Consequently, the 103(a) rejections should be withdrawn.

Conclusion

All objections and rejections having been overcome, the examiner is respectfully asked to pass this application to Allowance.

Respectfully submitted,

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